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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/988,662	11/20/2001	Masao Imaki	027260-478	9051

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EXAMINER

AL NAZER, LEITH A

ART UNIT	PAPER NUMBER
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2828

DATE MAILED: 01/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/988,662	IMAKI ET AL.	
	Examiner	Art Unit	
	Leith A Al-Nazer	2828	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.


- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.



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Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 1-3, 13-16, 37, 39, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohshima et al '256 in view of Wakabayashi et al '211 or Munks '214.

With respect to claims 1-3, 37, 39, and 40, Ohshima '256 teaches a semiconductor laser (31) configured to emit a laser beam; a lens (35) configured to allow a laser beam emitted from a semiconductor laser to pass therethrough; first and second photodetectors (38 and 41) configured to receive the laser beam passed through the lens; and a wavelength filter (42) disposed in an optical path between the semiconductor laser and the first photodetector, wherein the wavelength filter (42) is disposed outside an optical path between the semiconductor laser (31) and the

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second photodetector (38). Claims 1-3, 37, 39, and 40 require the lens be a cylindrical lens. Cylindrical lenses are well-known and commonly used in the art, as is evidenced by Wakabayashi (column 9, lines 32-37) and Munks (column 9, lines 21-27). At the time of the invention, it would have been obvious to one having ordinary skill in the art to take the system Ohshima and specifically state a cylindrical lens. The motivation for doing so would have been to provide an optical element with desired focal properties.

With respect to claim 2, Ohshima teaches the wavelength filter (42) being disposed in the optical path between the cylindrical lens (35) and the first photo detector (41).

With respect to claims 13-15, Ohshima teaches a control circuit (57) and a temperature-keeping device (column 3, lines 23-37).

With respect to claim 16, Ohshima teaches a control circuit (57) configured to control the semiconductor laser according to an intensity of the laser beam received by the second photodetector (column 3, lines 23-37).

4. Claims 1-3, 13-18, 37, 39, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Le Gall et al US 2002/0061039 in view of Wakabayashi et al '211 or Munks '214.

With respect to claims 1, 3, 37, 39, and 40, Le Gall teaches a semiconductor laser (7) configured to emit a laser beam; a lens (8) configured to allow a laser beam emitted from a semiconductor laser to pass therethrough; first and second photodetectors (10 and 11) configured to receive the laser beam passed through the lens; and a wavelength filter (9) disposed in an optical path between the semiconductor laser and the first photodetector, wherein the wavelength

filter is disposed outside an optical path between the semiconductor laser and the second photodetector (figures 6 and 7). Claims 1-3, 37, 39, and 40 require the lens be a cylindrical lens. Cylindrical lenses are well-known and commonly used in the art, as is evidenced by Wakabayashi (column 9, lines 32-37) and Munks (column 9, lines 21-27). At the time of the invention, it would have been obvious to one having ordinary skill in the art to take the system Le Gall and specifically state a cylindrical lens. The motivation for doing so would have been to provide an optical element with desired focal properties.

With respect to claim 2, Le Gall teaches the wavelength filter being disposed in the optical path between the cylindrical lens and the first photo detector (figures 6 and 7).

With respect to claims 13-15, Le Gall teaches a control circuit and a temperature-keeping device (paragraph 0013).

With respect to claim 16, Le Gall teaches a control circuit configured to control the semiconductor laser according to an intensity of the laser beam received by the second photodetector (paragraph 0013).

With respect to claims 17 and 18, Le Gall teaches the first and second photodetector being disposed adjacent to each other in a direction parallel to a center axis of the cylindrical lens (figures 6 and 7).

5. Claims 4, 5, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohshima et al '256 in view of Wakabayashi et al '211 or Munks '214, as applied to claims 1-3, 13-16, 37, 39, and 40 above, and further in view of Greve et al '476.

With respect to claims 4 and 5, Greve teaches a birefringent crystal (column 6, lines 15-25). Ohshima and Greve are analogous art because they are from a similar problem solving area: wavelength monitoring devices. Therefore, at the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the birefringent crystal of Greve with the system as taught or suggested by Ohshima. The motivation for doing so would have been to dispersive element for dispersing and filtering the laser beam.

With respect to claim 8, Ohshima teaches the wavelength filter (42) being disposed in the optical path between the cylindrical lens (35) and the first photodetector (41).

6. Claims 4, 5, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Le Gall et al US 2002/0061039 in view of Wakabayashi et al '211 or Munks '214, as applied to claims 1-3, 13-18, 37, 39, and 40 above, and further in view of Greve et al '476.

With respect to claims 4 and 5, Greve teaches a birefringent crystal (column 6, lines 15-25). Le Gall and Greve are analogous art because they are from a similar problem solving area: wavelength monitoring devices. Therefore, at the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the birefringent crystal of Greve with the system as taught or suggested by Le Gall. The motivation for doing so would have been to dispersive element for dispersing and filtering the laser beam.

With respect to claim 8, Le Gall teaches the wavelength filter (9) being disposed in the optical path between the cylindrical lens (8) and the first photodetector (10).

7. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohshima et al '256 in view of Wakabayashi et al '211 or Munks '214, as applied to claims 1-3, 13-16, 37, 39, and 40 above, and further in view of Takahashi '084.

Claim 6 requires the first and second photodetectors have an elongated beam receiving face. Photodetectors come in various shapes, and an elongated photodetector is utilized by Takahashi in a laser system (column 3, lines 60-65). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the elongated photodetectors of Takahashi with the system as taught or suggested by Ohshima. The motivation for doing so would have been to detect more of the laser beam, or to adapt the photodetector to an elongated laser beam. Therefore, it would have been obvious to combine Takahashi with the system as taught or suggested by Ohshima. Claim 6 further requires the elongation direction of each of the first and second photodetectors be oriented perpendicular to a center axis of the cylindrical lens. It would have been obvious to one having ordinary skill in the art at the time the invention was made to take the system taught by Ohshima and arrange the photodetectors so that their elongated direction be oriented perpendicular to a center axis of the cylindrical lens, since it has been held that rearranging parts of an invention involves only routine skill in the art. In re Japikse, 86 USPQ 70.

Claim 7 requires the first and second photodetectors have a rectangular beam receiving face. Photodetectors come in various shapes, and a rectangular photodetector is utilized by Takahashi in a laser system (column 3, lines 60-65). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the elongated photodetectors of Takahashi with the sytem as taught or suggested by Ohshima. The motivation

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for doing so would have been to detect more of the laser beam, or to adapt the photodetector to an elongated laser beam. Therefore, it would have been obvious to combine Takahashi with the system as taught or suggested by Ohshima. Claim 7 further requires the elongation direction of each of the first and second photodetectors be oriented perpendicular to a center axis of the cylindrical lens. It would have been obvious to one having ordinary skill in the art at the time the invention was made to take the system taught by Ohshima and arrange the photodetectors so that their elongated direction be oriented perpendicular to a center axis of the cylindrical lens, since it has been held that rearranging parts of an invention involves only routine skill in the art. In re Japikse, 86 USPQ 70.

8. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Le Gall US 2002/0061039 in view of Wakabayashi et al '211 or Munks '214, as applied to claims 1-3, 13-18, 37, 39, and 40 above, and further in view of Takahashi '084.

Claim 6 requires the first and second photodetectors have an elongated beam receiving face. Photodetectors come in various shapes, and an elongated photodetector is utilized by Takahashi in a laser system (column 3, lines 60-65). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the elongated photodetectors of Takahashi with the system as taught or suggested by Le Gall. The motivation for doing so would have been to detect more of the laser beam, or to adapt the photodetector to an elongated laser beam. Therefore, it would have been obvious to combine Takahashi with the system as taught or suggested by Le Gall. Claim 6 further requires the elongation direction of each of the first and second photodetectors be oriented perpendicular to a center axis of the

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cylindrical lens. It would have been obvious to one having ordinary skill in the art at the time the invention was made to take the system taught by Le Gall and arrange the photodetectors so that their elongated direction be oriented perpendicular to a center axis of the cylindrical lens, since it has been held that rearranging parts of an invention involves only routine skill in the art. In re Japikse, 86 USPQ 70.

Claim 7 requires the first and second photodetectors have a rectangular beam receiving face. Photodetectors come in various shapes, and a rectangular photodetector is utilized by Takahashi in a laser system (column 3, lines 60-65). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the elongated photodetectors of Takahashi with the system as taught or suggested by Le Gall. The motivation for doing so would have been to detect more of the laser beam, or to adapt the photodetector to an elongated laser beam. Therefore, it would have been obvious to combine Takahashi with the system as taught or suggested by Le Gall. Claim 7 further requires the elongation direction of each of the first and second photodetectors be oriented perpendicular to a center axis of the cylindrical lens. It would have been obvious to one having ordinary skill in the art at the time the invention was made to take the system taught by Le Gall and arrange the photodetectors so that their elongated direction be oriented perpendicular to a center axis of the cylindrical lens, since it has been held that rearranging parts of an invention involves only routine skill in the art. In re Japikse, 86 USPQ 70.

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9. Claims 9-12, 19-29, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohshima et al '256 in view of Wakabayashi et al '211 or Munks '214, as applied to claims 1-3, 13-16, 37, 39, and 40 above, and further in view of Noguchi et al '509.

Claim 9 requires a beam shielding plate which has an aperture and which is arranged between the semiconductor laser and the first and second photodetectors. Noguchi teaches a beam shielding plate (46; column 10, lines 5-20). Ohshima and Noguchi are analogous art because they are from a similar problem solving area: laser systems incorporating filters and feedback loops. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the beam shielding plate of Noguchi with the system as taught or suggested by Ohshima. The motivation for doing so would have been to remove unwanted portions of the laser light beam. Therefore, it would have been obvious to combine Noguchi with Ohshima to obtain the invention as specified in claim 9.

Claims 10 and 11 require a positioning member having two plane surfaces that contact the cylindrical lens. Although not explicitly stated in Ohshima, it is inherent that a positioning member would have to be used to keep the cylindrical lens in place. The shape of the positioning member would be a matter of design choice, and would depend on the system in which it is being utilized.

Claim 12 requires the first and second photodetectors have a plurality of photodiodes. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include a plurality of photodiodes in the photodetectors taught by Ohshima, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

Claims 19-23 require the beam receiving faces of the first and second photodetectors be inclined relative to a plane perpendicular to an optical axis of the semiconductor laser device. It would have been obvious to one having ordinary skill in the art at the time the invention was made to take the system of Ohshima and incline the first and second photodetectors at an angle to a plane perpendicular to an optical axis of the semiconductor laser device, since it has been held that rearranging parts of an invention involves only routine skill in the art. In re Japikse, 86 USPQ 70.

With respect to claims 24-26, Ohshima teaches a cylindrical lens (35). Claim 24 requires the cylindrical lens have a cut-out surface. At the time of the invention, it would have been obvious to one having ordinary skill in the art to require the cylindrical lens of Ohshima have a cut-out surface. The motivation for doing so would have been to provide a flat surface for the cylindrical lens to be attached to the positioning member (37). Therefore, it would have been obvious to provide a cut-out surface on the cylindrical lens to obtain the invention as specified in claim 24.

With respect to claims 27 and 28, Ohshima teaches a beam entering a first cylindrical surface portion, and exiting at a second cylindrical surface portion.

Claim 29 requires an L-shaped positioning member that contacts the cylindrical lens. Although not explicitly stated in Ohshima, it is inherent that a positioning member would have to be used to keep the cylindrical lens in place. The shape of the positioning member would be a matter of design choice, and would depend on the system in which it is being utilized.

Claim 38 requires the beam receiving face of the first photodetector and the beam receiving face of the second photodetector be placed on different planes from each other. It

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would have been obvious to one having ordinary skill in the art at the time the invention was made to take the system taught by Ohshima and arrange the photodetectors as stated in claim 38, since it has been held that rearranging parts of an invention involves only routine skill in the art. In re Japikse, 86 USPQ 70.

10. Claims 9-12, 19-29, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Le Gall US 2002/0061039 in view of Wakabayashi et al '211 or Munks '214, as applied to claims 1-3, 13-18, 37, 39, and 40 above, and further in view of Noguchi et al '509.

Claim 9 requires a beam shielding plate which has an aperture and which is arranged between the semiconductor laser and the first and second photodetectors. Noguchi teaches a beam shielding plate (46; column 10, lines 5-20). Le Gall and Noguchi are analogous art because they are from a similar problem solving area: laser systems incorporating filters and feedback loops. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the beam shielding plate of Noguchi with the system as taught or suggested by Le Gall. The motivation for doing so would have been to remove unwanted portions of the laser light beam. Therefore, it would have been obvious to combine Noguchi with Le Gall to obtain the invention as specified in claim 9.

Claims 10 and 11 require a positioning member having two plane surfaces that contact the cylindrical lens. Although not explicitly stated in Le Gall, it is inherent that a positioning member would have to be used to keep the cylindrical lens in place. The shape of the positioning member would be a matter of design choice, and would depend on the system in which it is being utilized.

Claim 12 requires the first and second photodetectors have a plurality of photodiodes. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include a plurality of photodiodes in the photodetectors taught by Le Gall, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

Claims 19-23 require the beam receiving faces of the first and second photodetectors be inclined relative to a plane perpendicular to an optical axis of the semiconductor laser device. It would have been obvious to one having ordinary skill in the art at the time the invention was made to take the system of Le Gall and incline the first and second photodetectors at an angle to a plane perpendicular to an optical axis of the semiconductor laser device, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

With respect to claims 24-26, Le Gall teaches a cylindrical lens (8). Claim 24 requires the cylindrical lens have a cut-out surface. At the time of the invention, it would have been obvious to one having ordinary skill in the art to require the cylindrical lens of Le Gall have a cut-out surface. The motivation for doing so would have been to provide a flat surface for the cylindrical lens to be attached to the positioning member (37). Therefore, it would have been obvious to provide a cut-out surface on the cylindrical lens to obtain the invention as specified in claim 24.

With respect to claims 27 and 28, Le Gall teaches a beam entering a first cylindrical surface portion, and exiting at a second cylindrical surface portion.

Claim 29 requires an L-shaped positioning member that contacts the cylindrical lens. Although not explicitly stated in Le Gall, it is inherent that a positioning member would have to be used to keep the cylindrical lens in place. The shape of the positioning member would be a matter of design choice, and would depend on the system in which it is being utilized.

Claim 38 requires the beam receiving face of the first photodetector and the beam receiving face of the second photodetector be placed on different planes from each other. It would have been obvious to one having ordinary skill in the art at the time the invention was made to take the system taught by Le Gall and arrange the photodetectors as stated in claim 38, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

11. Claims 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohshima et al '256 in view of Wakabayashi et al '211 or Munks '214 and Noguchi et al '509 as applied to claims 1-3, 9-16, 19-29, and 37-40 above, and further in view of Takahashi '084.

Claims 30-32 require the first and second photodetectors have an elongated beam receiving face and wherein an elongation direction of each of the first and second photodetector is oriented perpendicular to a center axis of the cylindrical lens. Photodetectors come in various shapes, and an elongated photodetector is utilized by Takahashi in a laser system (column 3, lines 60-65). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the elongated photodetectors of Takahashi with the system as taught or suggested by Ohshima. The motivation for doing so would have been to detect more of the laser beam, or to adapt the photodetector to an elongated laser beam.

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Therefore, it would have been obvious to combine Takahashi with the system as taught or suggested by Ohshima to obtain the invention as specified in claims 30-32.

12. Claims 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Le Gall US 2002/0061039 in view of Wakabayashi et al '211 or Munks '214 and Noguchi et al '509 as applied to claims 1-3, 9-29, and 37-40 above, and further in view of Takahashi '084.

Claims 30-32 require the first and second photodetectors have an elongated beam receiving face and wherein an elongation direction of each of the first and second photodetector is oriented perpendicular to a center axis of the cylindrical lens. Photodetectors come in various shapes, and an elongated photodetector is utilized by Takahashi in a laser system (column 3, lines 60-65). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the elongated photodetectors of Takahashi with the system as taught or suggested by Le Gall. The motivation for doing so would have been to detect more of the laser beam, or to adapt the photodetector to an elongated laser beam. Therefore, it would have been obvious to combine Takahashi with the system as taught or suggested by Le Gall to obtain the invention as specified in claims 30-32.

13. Claims 33-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohshima et al '256 in view of Wakabayashi et al '211 or Munks '214, as applied to claims 1-3, 13-16, 37, 39, and 40 above, and further in view of Broutin et al '157.

With respect to claims 33, 35, and 36, Ohshima teaches a package wherein the semiconductor laser, the first and second photodetectors, and the wavelength filter are housed

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therein (figure 9). Claim 33 requires a wedge-shaped window being attached to the package and having a wedge-shaped cross section, wherein the semiconductor laser is configured to further emit another laser beam which is transmitted outside the package through the wedge-shaped window. Broutin discloses such a configuration (figure 1; column 4, lines 1-6). Ohshima and Broutin are analogous art because they are from a similar problem solving area: wavelength monitoring apparatus for semiconductor lasers. Therefore, at the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the wedged window configuration of Broutin with the system as taught or suggested by Ohshima.

With respect to claim 34, Broutin teaches another lens (160) being arranged between the semiconductor laser and the wedge-shaped window.

14. Claims 33-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Le Gall US 2002/0061039 in view of Wakabayashi et al '211 or Munks '214, as applied to claims 1-3, 13-18, 37, 39, and 40 above, and further in view of Broutin et al '157.

With respect to claims 33, 35, and 36, Le Gall teaches a package wherein the semiconductor laser, the first and second photodetectors, and the wavelength filter are housed therein (figures 6 and 7). Claim 33 requires a wedge-shaped window being attached to the package and having a wedge-shaped cross section, wherein the semiconductor laser is configured to further emit another laser beam which is transmitted outside the package through the wedge-shaped window. Broutin discloses such a configuration (figure 1; column 4, lines 1-6). Le Gall and Broutin are analogous art because they are from a similar problem solving area: wavelength monitoring apparatus for semiconductor lasers. Therefore, at the time of the invention, it would

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have been obvious to a person of ordinary skill in the art to combine the wedged window configuration of Broutin with the system as taught or suggested by Le Gall.

With respect to claim 34, Broutin teaches another lens (160) being arranged between the semiconductor laser and the wedge-shaped window.

Response to Arguments

15. Applicant's arguments filed on December 5, 2003 have been fully considered but they are not persuasive.

The Applicant argues that it would not have been obvious to replace the lens taught by Ohshima or Le Gall with the cylindrical lens taught by Wakabayashi or Munks. The Examiner disagrees. Munks teaches replacing a beam splitter with a cylindrical lens in an optical power and wavelength monitor (column 9, lines 21-27). Therefore, the Examiner believes that it would have been obvious to one having ordinary skill in the art to replace the beam splitter (36) taught by Ohshima with the cylindrical lens taught by Munks. The motivation for doing so would have been to create a focus point that is elongated along one axis; the focus point would be elongated enough so as to be able to direct light towards two different photo detectors, as is shown in figure 9 of the present application. The motivation for doing this would have been to eliminate the beam splitter of Ohshima from the system, and in the process, create a more compact system. Furthermore, it is well known in the art that cylindrical lenses can be used to focus light along one axis while leaving it elongated along another perpendicular axis, as is evidenced by Wakabayashi (figure 9e).

Citation of Pertinent References

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents further show the state of the art with respect to optical wavelength, power, and focus monitors:

- a. U.S. Patent No. 5,036,185 to Ando
- b. U.S. Patent No. 5,559,767 to Matsui
- c. U.S. Patent No. 6,301,216 to Takahashi
- d. U.S. Patent No. 6,542,664 to Srinivasan

Conclusion

17. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Communication Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leith A Al-Nazer whose telephone number is 703-305-2717.

The examiner can normally be reached on Monday-Friday 7:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Ip can be reached on 703-308-3098. The fax phone number for the organization where this application or proceeding is assigned is 703-308-7724.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-3329.

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